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OFFICIAL GAZETTE

GOVERNMENT OF GOA

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EXTRAORDINARY

No. 2

GOVERNMENT OF GOA

Goa State Election Commission

Order

No. 3/42/Ward-Reservation/2022-23/SEC/4171

Subject:- Reservation of seats for ensuing General Election to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur.

Whereas, the Government of Goa vide the Goa Panchayat Raj (Amendment) Act, 2021 (Goa Act 32 of 2021) amended Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994), entrusted the task of dividing the each Panchayat area into wards and reservation of seats in every Panchayat to the State Election Commission in consultation with the Government.

And whereas, The State Election Commission carried out process of reservation of seats for General Elections to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur which will be held on 9th December, 2022 considering following points:

1. The provisions of Section 7 Goa Panchayat Raj Act, 1994 and Rules and the directions issued by Hon'ble Supreme Court of India from time to time.

2. As per sub-section 8 of Section 7 of the Goa Panchayat Raj Act, 1994 and Rules, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures of have been published, but where figures

of census are not available, the population shall be ascertained from other relevant authenticated records maintained by the Government. Since the last preceding census data i.e. census 2011 is published, the same has been taken for determining the total population of the Village Panchayat.

3. The percentage of Community population i.e. SC, ST and number of seats to be reserved for them is determined from the ward wise empirical population data of Scheduled Castes (SC), Scheduled Tribes (ST) submitted by Director Panchayat, Government of Goa. The seats are reserved as nearly as may be the same proportion to the total number of seats in the Panchayat as the population of the Scheduled Castes (SC), Scheduled Tribes (ST) in the Village Panchayat area bears to the total population of the Panchayat area.

4. As per directions of Hon'ble Supreme Court, the community reservation i.e. SC, ST and OBC taken together should not be more than 50% of the total seats in every Village Panchayat.

5. As per sub-section (6) of Section 7 the Goa Panchayat Raj Act, 1994 and Rules the seats reserved for SC, ST and Women are allotted by rotation to different wards in the Village Panchayat.

And whereas, Hon'ble Supreme Court of India, passed a judgment decided on 10-5-2022 in the matter of Suresh Mahajan Vs State of Madhya Pradesh and Ors., wherein the Apex Court referred the triple test formality for OBC reservation in local bodies as specified in the Judgment in the matter of Vikas Kishanrao Gawali Vs State of Maharashtra, directed that "*until the triple test formality is*

completed "in all respects" by the State Government, no reservation for Other Backward Classes can be provisioned; and if that exercise cannot be completed before the issue of election programme by the State Election Commission, the seats (except reserved for the Scheduled Castes and Scheduled Tribes which is a constitutional requirement), the rest of the seats must be notified as for the General Category".

And whereas, the Goa State Election Commission, requested the State Government to provide the data with regards to the Other Backward Classes (OBCs) in compliance with the directions of the Hon'ble Supreme Court.

And whereas, the Government vide its letter dated 28-10-2022, submitted, submitted the report/ recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the reservation of seats for Other Backward Classes for ensuing General Elections to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur and informed the following:

a) The Government instructed Goa State Commission for Backward Classes (GSCBC) to conduct contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies, within the State of Goa and to specify the proportion of reservation required to be provisioned local body-wise.

b) GSCBC, vide their letter No. GSCBC/Election/ /2022-23-45/241 dated 07-10-2022 informed that it has conducted contemporaneous rigorous empirical inquiry into the nature and implications of the backwardness qua local bodies, for the purpose of reservation of seats in local bodies for ensuing General Elections to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur through rigorous process which included examination by Commission the data submitted by the Government and collated additional data obtained by the Commission in respect of the past elections of the Village Panchayats and details of previous elected members belonging to the OBC Community.

c) The GSCBC has also analyzed the data in respect of these Village Panchayat and assessed the backwardness of OBC community identified in the Village Panchayat in respect to their past representations, dominance, empowerment, literacy status, financial barriers etc. vis-a-vis the necessity of reservation after holding discussions with the stakeholders/representatives wherever required. The Commission has further stated that it has also analyzed the data Village Panchayat wise taking

into consideration the population of the Village Panchayat as well as the OBC and other relevant data and has made recommendations for reservation of wards in that particular Panchayat in compliance with the triple test criteria laid down by Hon'ble Supreme Court.

And whereas, the State Election Commission examined the report/recommendations of the Goa State Commission for Backward Classes (GSCBC) with regards to the backwardness of the OBCs in Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur and observed that GSCBC has considered the Village Population as per Census 2011 as a base and collect the caste wise empirical data for OBCs. The GSCBC has indicated the percentage of OBCs in Village Panchayat, Percent of backwardness among the OBC population, percent of backward OBCs to the total population and recommended the OBC seats to be allotted in Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur.

And whereas, considering the provisions of Section 7 Goa Panchayat Raj Act, 1994 and Rules, the data provided by GSCBC, and the third condition specified in the Triple test i.e. "In any case such reservation shall not exceed aggregate of 50 % of the total seats reserved in favour of SCs/ /STs/OBCs taken together" the Goa State Election Commission proposed the reservation of seats for different communities and Women for ensuing General Elections to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur.

And whereas, the Commission vide its file dated 09-11-2022 submitted the reservation proposal to the State Government for consultation and for comments if any. The State Government returned back the reservation proposal after completing the consultation process.

Now Therefore, the State Election Commission in exercise of the powers conferred upon it do hereby notify the reservation of seats for ensuing General Elections to three Village Panchayats of Pernem Taluka i.e. Village Panchayat Casarvarnem, Alorna and Chandel-Hassapur as per the notification annexed to this order.

W. V. Ramanamurthy, IAS (Retd.), Commissioner,
Goa State Election Commission.

Panaji, 15th November, 2022.

Notification

No. 3/41/GE-3V. P-Pernem/2022-23/SEC/4150

In exercise of the powers conferred on me vide Rule 5 of the Goa Panchayat and Zilla Panchayat (Election Procedure) Rules, 1996, I, W. V. Ramanamurthy, IAS (Retd.), Commissioner of Goa State Election Commission, hereby notify that the Electoral Roll of the Goa Legislative Assembly prepared under the provisions of Representation of People Act, 1950 (Central Act 43 of 1951) for the time being in force as on 1st January, 2022 published on 5-1-2022 along with the supplement published on 28th January, 2022 for such Constituencies of the

Assembly or any part thereof as is included in the area within the jurisdiction Village Panchayats shall be adopted for the purpose of preparation of Ward wise Electoral Roll for ensuing General Election to Village Panchayats Alorna, Casarvarnem and Chandel-Hassapur in Pernem taluka. The Constitution of Village Panchayats are as per Notification No. 3/40/DELIMITATION/2022-23/SEC/4134 dated 2-11-2022.

W. V. Ramanamurthy, IAS (Retd.), Commissioner,
Goa State Election Commission.

Panaji, 10th November, 2022.

Notification

No. 3/42/Ward-Reservation/2022-23/SEC/4172

In exercise of the powers conferred by sub-sections 4, 5 and 6 of Section 7 of the Goa Panchayat Raj Act, 1994 (Goa Act 14 of 1994) (hereinafter called the "said Act"), the Goa State Election Commission taking into account the population of the Scheduled Castes and Scheduled Tribes in the Panchayats as specified in Column No. 2 of the Schedule appended hereto, and the data provided by the Goa State Commission for Backward Classes with regards to backwardness of Other Backward Classes (OBC), hereby reserves the wards for the persons belonging to the Scheduled Castes (SC), Scheduled Tribes (ST), Other Backward Classes (OBC) and Women as specified in the corresponding entries in Column No. 4, Column No. 5 and Column No. 6 and Column No. 7 respectively of the said Schedule for the General Election to three Village Panchayats in Pernem taluka.

This Notification shall have effect for the purpose of ensuing General Elections to the Village Panchayats Alorna, Casarvarnem and Chandel-Hassapur in Pernem Taluka.

SCHEDULE

Sr. No.	Name of the Village Panchayat	Total number of wards in Village Panchayat	Serial Number of wards reserved for Scheduled Caste	Serial Number of wards reserved for Scheduled Tribes	Serial Number of wards reserved for Backward Classes	Serial Number of wards reserved for Women
1	2	3	4	5	6	7
Pernem Taluka						
1.	Alorna	7	1	-	5	2, 6, 7
2.	Casarvarnem	5	-	-	1	4, 5
3.	Chandel-Hassapur	5	-	-	4	2, 5

W. V. Ramanamurthy, IAS (Retd.), Commissioner, Goa State Election Commission.

Panaji, 15th November, 2022.

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